

**New Shoreham Town Council Minutes**  
**Town Hall, Old Town Road, Block Island**  
**Wednesday, April 20, 2011**  
**7:00 p.m.**

**Present:** First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Town Councilors Kenneth C. Lacoste and Richard P. Martin. Absent was Councilor Peter B. Baute. Also present were Town Manager Nancy O. Dodge and Finance Director Amy Land. Town Clerk Fiona Fitzpatrick took the minutes of the meeting.

First Warden Kimberley H. Gaffett called the meeting to order at 7:00 p.m.

**Warden's Report**

The First Warden reported the Road Crew has restricted access to parts of the town-owned bluffs (at the foot of Pilot Hill Road) because of erosion. The Building Official's Office compliance deadline has passed for violations at the Seawinds property. Waiting for removal are an air conditioner and the foundation slab left after demolition of the garage. The Town Manager reported Major Bannon of the RI State Police is working to supply the Town with summer coverage similar to past summers. Second Warden Torrey reported the Washington County Regional Planning Council has selected Johnson Controls to replace Noresco as the energy services company to serve participants in the Washington County Energy Program. Johnson Controls will come out next Tuesday for a look at selected Town facilities as part of the transition.

**Public Input**

Eddie Blane spoke from the audience to say the alteration to the drain of the Georgian Swamp was not working the way she thought it should. She also said the Town's fencing has come down by the Surf Hotel. She said the Sewer Commission has scheduled work sessions at the Library where the elevator is waiting to be fixed, parking is limited, and hearing assistance devices are not available. Mrs. Blane would prefer to have the work sessions at Town Hall. Margie Comings spoke from the audience and said at the Old Harbor Task Force also wants to know the status of the repairs by the Surf Hotel corner. Town Manager Nancy O. Dodge reported the Town and CRMC have been working together on the problem, and the CRMC is confident they will have a solution within a couple of weeks. Chief Carlone will be collecting unwanted prescription pills April 30.

**1. Public Hearing: Proposed amendment of New Shoreham Zoning Map and Ordinance creating a "Medical Center Zone (MC Zone)"**

First Warden Gaffett read the notice of the proposed amendment and zoning map change. It would create a "Medical Center Zone" at Plat 10 Lots 2 and 3, Town owned land where the Medical Center and doctor's residence are located. Attorney Joseph Priestley was present for the Block Island Medical Center. He explained the Medical Center is currently nonconforming under Zoning; it would be a conforming use under the language of the new ordinance. He explained the amendment requires the Medical Center to go through the Development Plan Review process prior to changes on the property. He also said the change is consistent with the Comprehensive Plan and has the support of the Planning Board. (The Planning Board's memorandum is attached to these minutes; it recommends passage after the lots in the proposed zone are merged.) Two audience members asked about the "elder care facility" defined under the new ordinance. Planning Board Chair Margie Comings said the Planning Board added the provision because such a facility had been discussed through the years. A communication from Barbara and Cliff Reynolds opposing the measure was read into the record. All questions and comments were heard.

First Warden Gaffett moved to close public hearing and to approve amendments to the Zoning Ordinance and Map as proposed, to become effective upon the merger of two lots. The motion was seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin)    Nays: 0    Absent: 1 (Baute)

**2. Approve warrant for May 2, 2011 Financial Town Meeting**

Doug Michel, present in the audience, asked whether the Warrant provides an opportunity for voters to act on revenues, for instance by decreasing the motor vehicle exemption or increasing

bicycle license fees. He also wanted to know whether voters could shift revenues from property tax revenues to motor vehicle tax revenues at Financial Town Meeting. Finance Director Amy Land explained the tax levy has been approved by the state and advertised. She said taxpayers have not voted on revenues in recent years, there appears to be no mechanism to make a change to the revenue stream at the meeting. She said she could research the situation and return with more information. Members of the Town Council agreed to take no action on the Warrant until the answers could be determined.

**3. Receive and act on letter from Block Island Health Services requesting Town of New Shoreham co-sponsorship of 2011 BI Health Services 5K Beach Run/Walk fundraiser**

First Warden Gaffett moved that the Town of New Shoreham co-sponsor event and leave the coordination to the Recreation Department and Block Island Health Center. The motion was seconded by Mr. Martin.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin) Nays: 0 Absent: 1 (Baute)

**4. Act on request of Recreation Director to allow/license a beverage vending machine at Ball O'Brien Park**

The item was withdrawn at the request of the Recreation Director. No action was taken.

**5. Act on deer and pheasant hunting dates and regulations for the 2011/2012 hunting season**

The Deer Task Force forwarded their recommendations to the Town Council. They are: Archery only October 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31 and November 1, 2, 3, and 4; Combined archery and muzzle loader: November 7, 8, 9,10, 14, 15, 16, 17, 18, 21 and 22; archery and shotgun (state law allows muzzleloaders during shotgun): November 28 and 29 and December 1, 2, 5, 6, 8, 9, 12,13,15, 16,19, 20, 22, and 23; shotgun and muzzleloader: January 3, 5, 6, 9, 10, 12, 13, 17, 19, 20, 23, 24, 26, 27,30 and 31 and February 1, 2, 3, 6, 7, 8, 9,10,13,14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28 and 29. Pheasant days: November 23 and 30; December 7, 14, 21 and 28; and January 4,11,18 and 25<sup>th</sup>. Nuisance permits: first two weeks in March, excluding weekends. Ms. Gaffett opened the floor to discussion.

Chris Blane spoke opposing simultaneous archery and shotgun hunting because of safety concerns. Archers hide, shotgun hunters stalk. He says archers do not always wear the 500 sq inches of orange required during shotgun season. Dick Stinson spoke in favor of extending archery into the shotgun season. He said some properties are appropriate only for archery hunting and a longer archery season would result in more hunting time on those properties. John Fournier spoke in favor of extending the archery season. Becky Ballard pointed out some landowners prefer archers. Chris Blane said he wants safe hunting that can take the maximum number of deer; he believes shotgun hunting without archery is both more effective and safer. Doug Michel said the DTF's proposal for hunting from Columbus Day to the middle of March is too long. John Willis spoke against any expanded hunting because it is dangerous. Heather Sniffen said tourism will suffer if there is hunting on weekends. She believes the hunting season is too long and she is opposed to expanding it. Sara McGinnes spoke in favor of expanding archery season.

Ms. Gaffett moved to adopt the hunting dates recommended by the Deer Task Force, seconded by Mr. Torrey.

Ayes: 3 (Gaffett, Torrey, Martin) Nays: 1 (Lacoste) Absent: 1 (Baute)

- Weekend archery hunting between October 11 and November 4 was discussed, but no motion was made. Mary Sue Record explained some members of the Deer Task Force think hunting must be expanded to reduce the deer herd. She said the DTF voted against pursuing weekend archery.

DTF: in order to extend the deer take, deer damage permit dates. (per town ordinance, the Town sets the deer dates; Town would have to designate dates when permits could be used)

Ms. Gaffett moved that in consistency with New Shoreham General Ordinances 10-16, the Town Council authorizes the use of DEM -Department of Agriculture Deer Damage (Nuisance)

Permits from March 1 through March 16, excluding weekends. Motion was seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin) Nays: 0 Absent: 1 (Baute)

Doug Michel said the permit season made for too many months of deer hunting.

First Warden Gaffett moved, seconded by Councilor Martin, to allow hunting on Town land at Andy's Way Town land at Plat 20, Lot 20 from the end of waterfowl season to the end of hunting season, excluding weekends but not holidays (that is January 23, 24, 26, 27, 30, 31 and February 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28 and 29) and that the hunt be managed by the Town Manager.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin) Nays: 0 Absent: 1 (Baute)

Mr. Lacoste moved, seconded by Mr. Torrey, to allow hunting on Town land at Plat 1, Lot 16 on February 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28 and 29; and that the hunt is managed by the Town Manager.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin) Nays: 0 Absent: 1 (Baute)

First Warden Gaffett moved that the Town requests the state abstracts to include the information that landowner permission countersigned by the Chief of Police is required for all hunting on Block Island. Motion and seconded by Second Warden Torrey.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin) Nays: 0 Absent: 1 (Baute)

#### **6. Act on RI DEM proposal re: deer hunting on State lands**

Ms. Gaffett said the Deer Task Force recommended hunting the state land at Black Rock on January 9, 10, 12, 13, 17, 19, 20, 23, 24, 26, 27. The dates do not include weekends.

The state had a different recommendation: "State land (Rodmans Hollow) only: Open January 14 to January 29, 2011. Bag limit is one (1) deer of either sex and one (1) antlerless deer. Hunting will be by special permit only, selected by lottery. Hunters will be selected and assigned to hunt on one (1) of four (4) day periods designated by selected and assigned to hunt one (1) of four (4) [four (4)] day periods designated by DEM. Six (6) hunters will be allowed to hunt per time period. DEM will assign hunters selected by lottery at their sole discretion. Applications (available at [www.dem.ri.gov](http://www.dem.ri.gov)) to hunt Block Island State land must be submitted by August 15." The language appears in the state's draft hunting regulations for this year, public hearings with public input will follow and the regulations may be amended before adoption.

Ms. Gaffett said there will be no hunting on the Black Rock parcel until a management agreement is in place. The Town has a management easement over the state-owned property and hunting may be reviewed annually and one hunt is not an assurance of future hunts. Ms. Gaffett said she has spoken with DEM's Cathy Sparks who has agreed to provide two Environmental Police Officers for each day of hunting if the state's proposal is adopted by the Town.

Mary Sue Record said the Deer Task Force was divided on the state's proposal. Some saw it as a modest, contained proposal with a guarantee of conservation officers. The prevailing view was that weekend hunting not in Block Island's best interest.

Heather Sniffen spoke against hunting on weekend and hunting the Black Rock parcel. She said the children should have the option of recreating there. Doug Michel said he is adamantly opposed because there are no walled boundaries, there are unlimited points of access, and it is difficult to determine the line between open space and private property. The proposed hunting season is too long. He asks if hunters who have been banned locally will be allowed to enter the lottery.

Ms. Gaffett moved to accept the Deer Task Force's recommendation to allow hunting on Black Rock on January 9, 10, 12, 13, 17, 19, 20, 23, 24, 26, 27, seconded by Mr. Torrey.

Ayes: 2 (Gaffett, Torrey)    Nays: 2 (Lacoste, Martin)    Absent: 1 (Baute)

Motion does not carry. Ms Gaffett said she feels strongly that it should not go to hearing without a statement from the Town and she will put the item on an upcoming agenda for consideration by the full Town Council.

**7. Receive Town Manager update on Old Harbor Dock project**

Town Manager Dodge reported the project is still moving along. As expected, the decking has been delayed by the plumbing. The slab will be completed tomorrow then backfilling, the mason will be able to start blocking the building on Monday. The building needed to be adjusted to bring conduit into the attic and back out again, and HDC has approved the chase. The building will be completed by May 26. The subcontractor has a contractual penalty if the work is not completed on time; however the work is on schedule. Owners want access to the bicycle rental area; an area will be cleared by next week. The budget for the project is looking good. The budget now includes eight pilings for fishermen.

**8. Receive and act on NS Police Department monthly report: March 2011**

Ms. Gaffett moved to receive the New Shoreham Police Department report for March, 2011. Motion seconded by Mr. Lacoste.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin)    Nays: 0    Absent: 1 (Baute)

**9. Boards, Committees and Commissions:**

- act on New Shoreham Sewer Commission appointments
- act on New Shoreham Board of Water Commissioners appointments

Alternate Frank Leslie resigned.

Ms. Gaffett moved to accept the resignation of alternate Frank Leslie and to send a letter of thanks and appreciation for his years of service. Motion seconded by Mr. Lacoste.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin)    Nays: 0    Absent: 1 (Baute)

Ms. Gaffett moved to reappoint Peter McNerny to the Sewer Commission and Water Commission to serve until 20116. Motion seconded by Mr. Lacoste.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin)    Nays: 0    Absent: 1 (Baute)

Ms. Gaffett moved to reappoint alternate member Rally Migliaccio and to appoint Steve Draper as a new alternate member to the Sewer Commission and Water Commission to serve one-year terms, seconded by Mr. Lacoste.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin)    Nays: 0    Absent: 1 (Baute)

- act on BI Health Services Board of Director vacancy – Town representative

Henry Hill resigned from the Health Services Board. His term would have expired in December, 2012. Millie McGinness is serving as an elected member of the Board with a term that will expire in May, 2011. Millie has graciously agreed to serve out Henry's term after hers.

- announce Board, Committee, Commission openings

Ms. Gaffett announced there is still an opening on the Library Board of Trustees, and there is a new opening on the Planning Board.

**10. Minutes: March 29, 2011; April 4, 2011; April 5, 2011; April 6, 2011**

Ms. Gaffett moved to approve the minutes with changes discussed, seconded by Mr. Martin.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin)    Nays: 0    Absent: 1 (Baute)

**11. Correspondence: RI CRMC re: passage of Ocean SAMP; RI DEM re: Arbor Day; Taubman Law Offices, LTD. Re: proposed Zoning amendments; Citizens Concerned About Seawinds re: consent decree enforcement; R. Bruce Montgomery re: Physical Alteration Permit**

No action was needed or taken.

**12. Set Public Hearing date for Municipal Alarm Ordinance**

Ms. Gaffett moved, seconded by Mr. Lacoste, to set a May 18, 2011 public hearing for the ordinance.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin) Nays: 0 Absent: 1 (Baute)

**13. Review and schedule upcoming Town Council meetings**

Town Council meets April 25 at noon to approve the Warrant and April 26 at 9:15 with WCRPC reps. Financial Town Meeting is May 2, Town Council meets May 3, Town Council-Town Manager work session May 4.

At 9:45, a motion to adjourn was made by Mr. Lacoste and seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin) Nays: 0 Absent: 1 (Baute)

Minutes approved May 18, 2011

Fiona Fitzpatrick  
Town Clerk